

House Study Bill 109 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

A BILL FOR

1 An Act relating to mental health and disability services
2 requirements involving the department of human services
3 and including effective date and retroactive applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 DIVISION I

2 MENTAL HEALTH AND DISABILITY SERVICES CLIENT IDENTIFIER

3 Section 1. Section 225C.6A, subsection 3, paragraph b, Code
4 2013, is amended to read as follows:

5 b. In implementing a system under this subsection for
6 collecting and analyzing state, county, and private contractor
7 data, the department shall establish a client identifier for
8 the individuals receiving services. ~~The client identifier
9 shall be used in lieu of the individual's name or social
10 security number. The client identifier shall consist of the
11 last four digits of an individual's social security number,
12 the first three letters of the individual's last name, the
13 individual's date of birth, and the individual's gender in an
14 order determined by the department.~~

15 DIVISION II

16 INTERAGENCY INFORMATION SERVICE ON PERSONS WITH MENTAL
17 DISABILITIES

18 Sec. 2. REPEAL. Section 218.11, Code 2013, is repealed.

19 Sec. 3. REPEAL. Chapter 220A, Code 2013, is repealed.

20 DIVISION III

21 SUBACUTE MENTAL HEALTH CARE FACILITIES

22 Sec. 4. Section 135G.3, subsection 2, Code 2013, is amended
23 to read as follows:

24 2. The licensed psychiatrist providing supervision of the
25 subacute care ~~facility~~ facility's treatment care plans shall
26 evaluate the condition of each resident as medically necessary
27 and shall be available to residents of the facility on an
28 on-call basis at all other times. Additional evaluation and
29 treatment may be provided by a mental health professional. The
30 subacute care facility may employ a seclusion room meeting the
31 conditions described in 42 C.F.R. § 483.364(b) with approval of
32 the licensed psychiatrist of the facility or by order of the
33 resident's physician, a physician assistant, or an advanced
34 registered nurse practitioner.

35 Sec. 5. Section 135G.4, subsection 2, Code 2013, is amended

1 to read as follows:

2 2. An intermediate care facility for persons with mental
3 illness licensed under chapter 135C may convert to a subacute
4 care facility by ~~providing~~ submitting an application for a
5 license in accordance with section 135G.5 accompanied by
6 written notice to the department that the facility has employed
7 a full-time psychiatrist and desires to make the conversion.
8 An intermediate care facility for persons with mental illness
9 applying for a license under this subsection remains subject to
10 subsection 1 until a license is issued.

11 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this
12 Act, being deemed of immediate importance, takes effect upon
13 enactment.

14 Sec. 7. RETROACTIVE APPLICABILITY. This division of this
15 Act applies retroactively to July 1, 2012.

DIVISION IV

COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT ALLOCATION

18 Sec. 8. 2011 Iowa Acts, chapter 126, section 20, subsection
19 1, paragraph d, is amended to read as follows:

d. Of the amount allocated to eligible services providers under paragraph "c", 70 percent shall be distributed to the state's accredited community mental health centers established or designated by ~~counties~~ the department in collaboration with mental health and disability services regions in accordance with ~~law~~ chapter 230A or applicable administrative rule.

~~If a county has not established or designated a community mental health center and has received a waiver from the mental health and disability services commission, the mental health services provider designated by that county is~~ was designated as authorized in section 230A.107, subsection 2, the provider remains eligible to receive funding distributed pursuant to this paragraph ~~in lieu of~~ as a community mental health center. The funding distributed shall be used by recipients of the funding for the purpose of developing and providing evidence-based practices and emergency services

1 to adults with a serious mental illness and children with
2 a serious emotional disturbance. ~~The distribution amounts~~
3 ~~shall be announced at the beginning of the federal fiscal~~
4 ~~year and distributed on a quarterly basis according to the~~
5 ~~formulas used in previous fiscal years.~~ It is the intent of
6 the general assembly that the distribution amounts for future
7 federal fiscal years shall be determined by the department in
8 consultation with the mental health and disability services
9 regional administrators and announced by the beginning of the
10 federal fiscal year. Recipients shall submit quarterly reports
11 containing data consistent with the performance measures
12 approved by the federal substance abuse and mental health
13 services administration.

14 Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this
15 Act, being deemed of immediate importance, takes effect upon
16 enactment.

17 EXPLANATION

18 This bill relates to mental health and disability services
19 requirements involving the department of human services (DHS)
20 and is organized into divisions.

21 MENTAL HEALTH AND DISABILITY SERVICES CLIENT IDENTIFIER.

22 This division amends Code section 225C.6A, relating to
23 disability services system redesign data, by eliminating
24 specific requirements for the client identifier that is used in
25 lieu of an individual's name or social security number.

26 INTERAGENCY INFORMATION SERVICE ON PERSONS WITH MENTAL
27 DISABILITIES. This division repeals Code chapter 220A,
28 requiring DHS to provide for a central data control and
29 exchange agency for persons believed to have mental
30 disabilities known as the "interagency case information
31 service".

32 The Code chapter includes sections stating purpose,
33 providing definitions, designating DHS as the administrative
34 agency for the information service, listing other state
35 agencies required to provide and receive information, listing

1 DHS duties, authorizing other public and private agencies to
2 provide or receive information, exempting the information
3 exchange from any state law or administrative rule that would
4 restrict information from being exchanged by the service,
5 authorizing the service to disseminate statistical information,
6 and providing immunity from liability for agencies and persons
7 participating under the Code chapter.

8 The division also repeals Code section 218.11 in the Code
9 chapter relating to institutions governed by DHS. The Code
10 section requires DHS to be the administrative agency for the
11 information service and perform the duties required by Code
12 chapter 220A.

13 SUBACUTE MENTAL HEALTH CARE FACILITIES. This division
14 amends certain provisions for licensure of subacute mental
15 health care facilities enacted in 2012 Iowa Acts, ch. 1120
16 (SF 2315). Licensure is administered by the department of
17 inspections and appeals in conjunction with DHS.

18 Code section 135G.3 is amended to require a licensed
19 psychiatrist to provide supervision of the subacute care
20 facility's treatment care plans rather than the subacute care
21 facility itself.

22 Code section 135G.4, requiring licensure of subacute
23 care facilities and authorizing a licensed intermediate care
24 facility for persons with mental illness (ICF/MI) to convert
25 to a licensed subacute facility after notifying the department
26 of inspections and appeals that certain requirements are
27 being met, is amended to require the ICF/MI to also submit
28 an application for licensure as a subacute care facility.
29 An ICF/MI is prohibited from establishing, operating, or
30 maintaining a subacute care facility until issued a license to
31 do so.

32 This division takes effect upon enactment and is
33 retroactively applicable to July 1, 2012.

34 COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT ALLOCATION.

35 This division amends the allocation requirements in the federal

1 community mental health services block grant appropriation for
2 federal fiscal year 2012-2013 made in 2011 Iowa Acts, chapter
3 126.

4 The amendments reflect changes made in Code chapter 230A
5 for designation of community mental health centers. The
6 amended Code chapter allows a for-profit corporation, nonprofit
7 corporation, or county hospital providing mental health
8 services to county residents pursuant to a waiver approved
9 under Code section 225C.7, subsection 3, Code 2011, as of
10 October 1, 2010, to be designated as a community mental
11 health center. Otherwise, only a nonprofit corporation can be
12 designated as a community mental health center. In addition,
13 the amendments state legislative intent that in future federal
14 fiscal years the distribution amounts for centers will be
15 determined by DHS in consultation with the mental health and
16 disability services regional administrators and announced by
17 the beginning of the federal fiscal year.
18 The division takes effect upon enactment.